

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-00663-CKK**

HUSCH BLACKWELL LLP v. UNITED STATES SMALL BUSINESS ADMINISTRATION et al  
Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/08/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****HUSCH BLACKWELL LLP**

represented by **Tierra Jones**  
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**PRO HAC VICE**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****UNITED STATES SMALL BUSINESS ADMINISTRATION**

represented by **Christopher Charles Hair**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****UNITED STATES DEFENSE LOGISTICS AGENCY**

represented by **Christopher Charles Hair**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 03/08/2019 | <u>1</u> | COMPLAINT against All Defendants ( Filing fee \$ 400 receipt number 0090-5991157) filed by HUSCH BLACKWELL LLP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Civil Cover Sheet, # <u>16</u> Summons Office of US Attorney, # <u>17</u> Summons General Counsel, DLA, # <u>18</u> Summons US Attorney General, DOJ, # <u>19</u> |

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|            |           | Summons Office of US Attorney, # <u>20</u> Summons General Counsel, SBA, # <u>21</u> Summons US Attorney General, DOJ(Waagner, Brian) (Attachment 15 replaced on 3/11/2019) (zef, ). (Entered: 03/08/2019)   |
| 03/11/2019 |           | Case Assigned to Judge Colleen Kollar-Kotelly. (zef, ) (Entered: 03/11/2019)   |
| 03/11/2019 | <u>2</u>  | SUMMONS (6) Issued Electronically as to UNITED STATES DEFENSE LOGISTICS AGENCY, UNITED STATES SMALL BUSINESS ADMINISTRATION, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 03/11/2019)  |
| 03/14/2019 | <u>3</u>  | REQUEST FOR SUMMONS TO ISSUE U.S. <i>Defense Logistics Agency</i> re <u>1</u> Complaint,, filed by HUSCH BLACKWELL LLP. Related document: <u>1</u> Complaint,, filed by HUSCH BLACKWELL LLP.(Waagner, Brian) (Entered: 03/14/2019)   |
| 03/14/2019 | <u>4</u>  | REQUEST FOR SUMMONS TO ISSUE U. S. <i>Small Business Administration</i> re <u>1</u> Complaint,, filed by HUSCH BLACKWELL LLP. Related document: <u>1</u> Complaint,, filed by HUSCH BLACKWELL LLP.(Waagner, Brian) (Entered: 03/14/2019)   |
| 03/14/2019 | <u>5</u>  | SUMMONS (2) Re-Issued Electronically as to UNITED STATES DEFENSE LOGISTICS AGENCY, UNITED STATES SMALL BUSINESS ADMINISTRATION. (Attachments: # <u>1</u> Summons)(ztd) Modified text on 3/19/2019 (znmw). (Entered: 03/14/2019)  |
| 03/20/2019 | <u>6</u>  | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 03/20/2019. (DM) (Entered: 03/20/2019)   |
| 03/27/2019 | <u>7</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/15/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/14/2019. (Waagner, Brian) (Entered: 03/27/2019)   |
| 03/27/2019 | <u>8</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/13/2019. (Waagner, Brian) (Entered: 03/27/2019)  |
| 03/27/2019 | <u>9</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES SMALL BUSINESS ADMINISTRATION served on 3/13/2019 (Waagner, Brian) (Entered: 03/27/2019)  |
| 03/27/2019 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEFENSE LOGISTICS AGENCY served on 3/15/2019 (Waagner, Brian) (Entered: 03/27/2019)   |
| 04/15/2019 | <u>11</u> | ANSWER to Complaint by UNITED STATES DEFENSE LOGISTICS AGENCY, UNITED STATES SMALL BUSINESS ADMINISTRATION.(Hair, Christopher) (Entered: 04/15/2019)   |
| 04/15/2019 | <u>12</u> | NOTICE of Appearance by Christopher Charles Hair on behalf of UNITED STATES DEFENSE LOGISTICS AGENCY, UNITED STATES SMALL BUSINESS ADMINISTRATION (Hair, Christopher) (Entered: 04/15/2019)  |
| 04/15/2019 | <u>13</u> | ORDER. Signed by Judge Colleen Kollar-Kotelly on 4/15/2019. (lcckk3) (Entered: 04/15/2019)   |
| 04/15/2019 |           | Set/Reset Deadlines: Answer due by 5/10/2019. (dot) (Entered: 04/16/2019)  |
| 04/22/2019 | <u>14</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Tierra Jones, :Firm- Husch Blackwell LLP, :Address- 750 17th Street NW, Suite 900, Washington, DC 20006. Phone No. - (202) 378-2392. Fax No. - (202) 378-2319 Filing fee \$ 100, receipt number 0090-6074684. Fee Status: Fee Paid. by HUSCH BLACKWELL LLP (Attachments: # <u>1</u> Declaration of Tierra Jones in Support of Motion for Admission Pro Hac Vice)(Waagner, Brian) (Entered: 04/22/2019) |
| 04/23/2019 |           | MINUTE ORDER granting <u>14</u> Motion for Admission of Attorney Pro Hac Vice with respect to Tierra Jones, in order for her to appear as counsel for Plaintiffs, CONTINGENT on said attorney filing a declaration certifying familiarity with this Court's Local Rules by no later than APRIL 30, 2019. Counsel shall promptly register   |

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|            |           | for this Court's CM/ECF system. Signed by Judge Colleen Kollar-Kotelly on 4/23/2019. (lcckk3) (Entered: 04/23/2019)  |
| 04/30/2019 | <u>15</u> | AFFIDAVIT <i>Declaration of Tierra Jones Certifying Familiarity with Local Rules</i> by HUSCH BLACKWELL LLP. (Jones, Tierra) (Entered: 04/30/2019)   |
| 05/10/2019 | <u>16</u> | Joint STATUS REPORT <i>Joint Status Report</i> by HUSCH BLACKWELL LLP. (Jones, Tierra) (Entered: 05/10/2019)   |
| 05/14/2019 |           | MINUTE ORDER. The Court is receipt of the parties' <u>16</u> Joint Status Report. Plaintiff seeks copies of individual waivers for the non-manufacturer rule issued in connection with several solicitations by the U.S. Small Business Administration ("SBA"). Plaintiff also seeks background information supporting several requested waivers from the Defense Logistics Agency ("DLA"), in addition to copies of several contracts and all contract modifications from DLA. DLA reports that it is continuing to review and process Plaintiff's request. DLA expects to complete its processing and release any responsive non-exempt information to Plaintiff by June 15, 2019 for most requests and by July 15, 2019 for Plaintiff's January 25, 2019 request. The SBA has provided Plaintiff with one responsive record. The SBA will provide Plaintiff with an affidavit describing the scope of the SBA's search by May 30, 2019. The Court ORDERS the parties to file a Joint Status Report by JUNE 30, 2109, updating the Court on the parties' progress bringing this case towards resolution. Signed by Judge Colleen Kollar-Kotelly on 5/14/2019. (lcckk3) (Entered: 05/14/2019) |
| 05/14/2019 |           | Set/Reset Deadlines: Joint Status Report due by 6/30/2019, updating the Court on the parties' progress bringing this case towards resolution. (dot) (Entered: 05/20/2019)  |
| 06/28/2019 | <u>17</u> | Joint STATUS REPORT by HUSCH BLACKWELL LLP. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Jones, Tierra) (Entered: 06/28/2019)   |
| 07/01/2019 |           | MINUTE ORDER. The Court is receipt of the parties' <u>17</u> Joint Status Report. Plaintiff seeks copies of individual waivers for the non-manufacturer rule issued in connection with several solicitations by the U.S. Small Business Administration ("SBA"). Plaintiff also seeks background information supporting several requested waivers from the Defense Logistics Agency ("DLA"), in addition to copies of several contracts and all contract modifications from DLA. DLA has completed its response to all but one of Plaintiff's FOIA requests. For that FOIA request, DLA is consulting with specific vendors regarding any required withholdings under Exemption 4. DLA will update Plaintiff by July 12, 2019. SBA provided Plaintiff with an affidavit describing the scope of its search. The parties conferred and consider SBA's involvement in the action to be resolved. The Court ORDERS the parties to file another Joint Status Report by JULY 30, 2019, updating the Court on the parties' progress bringing this case towards resolution. Signed by Judge Colleen Kollar-Kotelly on 7/1/2019. (lcckk3) (Entered: 07/01/2019)   |
| 07/01/2019 |           | Set/Reset Deadlines: Joint Status Report due by 7/30/2019, updating the Court on the parties' progress bringing this case towards resolution. (dot) (Entered: 07/02/2019)  |
| 07/30/2019 | <u>18</u> | Joint STATUS REPORT by HUSCH BLACKWELL LLP. (Jones, Tierra) (Entered: 07/30/2019)  |
| 07/30/2019 | <u>19</u> | NOTICE of Proposed Order by HUSCH BLACKWELL LLP (Jones, Tierra) Modified event title on 8/1/2019 (znmw). (Entered: 07/30/2019)   |
| 07/31/2019 |           | MINUTE ORDER. The Court is receipt of the parties' <u>18</u> Joint Status Report. Plaintiff seeks copies of individual waivers for the non-manufacturer rule issued in connection with several solicitations by the U.S. Small Business Administration ("SBA"). The parties conferred and consider SBA's involvement in the action to be resolved. Plaintiff also seeks background information supporting several requested waivers from the Defense Logistics Agency ("DLA"), in addition to copies of several contracts and all contract modifications from DLA. DLA has completed its response to all but one of Plaintiff's FOIA requests. For that FOIA request, DLA is consulting with specific vendors regarding any required withholdings under Exemption 4. As indicated would occur in the last status report, DLA has provided Plaintiff with an update on the consultation process. Plaintiff requests that the Court order an August 12, 2019 deadline for DLA to produce the documents responsive to the remaining request and an August 19, 2019 deadline for the production of remaining documents and a detailed  |

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|            |           | Vaughn index. DLA reports that Plaintiff's request is not feasible as the consultation process is not complete. DLA indicates that the Supreme Court's recent decision in Food Marketing Inst. v. Argus Leader Media, 139 S. Ct. 2356 (2019), has required additional consultations. The Court ORDERS DLA to provide Plaintiff with an update regarding the consultation process on AUGUST 12, 2019. The Court further ORDERS that DLA prioritize the production of responsive contracts and contract modifications because DLA has indicated that the Exemption 4 consultation process for those records may be shorter than for the contract proposals. The Court further ORDERS the parties to file another Joint Status Report by AUGUST 30, 2019, updating the Court on the parties' progress bringing this case towards resolution. Signed by Judge Colleen Kollar-Kotelly on 7-31-2019. (lcckk3) (Entered: 07/31/2019)  |
| 07/31/2019 |           | Set/Reset Deadlines: Joint Status Report due by 8/30/2019, updating the Court on the parties' progress bringing this case towards resolution. (dot) (Entered: 08/02/2019)  |
| 08/29/2019 | <u>20</u> | Joint STATUS REPORT by UNITED STATES DEFENSE LOGISTICS AGENCY, UNITED STATES SMALL BUSINESS ADMINISTRATION. (Hair, Christopher) (Entered: 08/29/2019)  |
| 08/29/2019 |           | MINUTE ORDER. The Court is receipt of the parties' <u>20</u> Joint Status Report. Plaintiff seeks copies of individual waivers for the non-manufacturer rule issued in connection with several solicitations by the U.S. Small Business Administration ("SBA"). The parties conferred and consider SBA's involvement in the action to be resolved. Plaintiff also seeks background information supporting several requested waivers from the Defense Logistics Agency ("DLA"), in addition to copies of several contracts and all contract modifications from DLA. DLA has completed its response to all but one of Plaintiff's FOIA requests. For that FOIA request, DLA is consulting with specific vendors regarding any required withholdings under Exemption 4. DLA will provide Plaintiff with an update regarding DLA's Exemption 4 review by September 13, 2019. The Court further ORDERS the parties to file another Joint Status Report by SEPTEMBER 30, 2019, updating the Court on the parties' progress bringing this case towards resolution. Signed by Judge Colleen Kollar-Kotelly on 8-29-2019. (lcckk3) (Entered: 08/29/2019)  |
| 08/29/2019 |           | Set/Reset Deadlines: Joint Status Report due by 9/30/2019, updating the Court on the parties' progress bringing this case towards resolution. (dot) (Entered: 08/30/2019)  |
| 09/30/2019 | <u>21</u> | Joint STATUS REPORT by HUSCH BLACKWELL LLP. (Jones, Tierra) (Entered: 09/30/2019)  |
| 09/30/2019 | <u>22</u> | NOTICE of Proposed Order by HUSCH BLACKWELL LLP re <u>21</u> Status Report (Jones, Tierra) (Entered: 09/30/2019)   |
| 10/01/2019 |           | MINUTE ORDER. The Court is receipt of the parties' <u>21</u> Joint Status Report. Plaintiff seeks copies of individual waivers for the non-manufacturer rule issued in connection with several solicitations by the U.S. Small Business Administration ("SBA"). The parties conferred and consider SBA's involvement in the action to be resolved. Plaintiff also seeks background information supporting several requested waivers from the Defense Logistics Agency ("DLA"), in addition to copies of several contracts and all contract modifications from DLA. DLA has completed its response to all but one of Plaintiff's FOIA requests. For that FOIA request, DLA consulted with specific vendors regarding any required withholdings under Exemption 4. DLA is currently reviewing the responses from all three vendors to make a final determination of the applicability of Exemption 4. DLA will provide Plaintiff with an update regarding DLA's Exemption 4 review by October 15, 2019. The Court further ORDERS the parties to file another Joint Status Report by OCTOBER 30, 2019, updating the Court on the parties' progress bringing this case towards resolution. Signed by Judge Colleen Kollar-Kotelly on 10-1-2019. (lcckk3) (Entered: 10/01/2019) |
| 10/01/2019 |           | Set/Reset Deadlines: Joint Status Report due by 10/30/2019, updating the Court on the parties' progress bringing this case towards resolution. (dot) (Entered: 10/01/2019)   |